

Practical Tips for Rule Drafters



Definitions



Administrative Rules Division—Administrative Rules Division of the Office of the Secretary of State, located in Room 337, James C. Kirkpatrick State Information Center, Room 337, 600 W. Main, Jefferson City, MO 65101 or PO Box 1767, Jefferson City, MO 65102. The Administrative Rules Division is the publisher of the *Missouri Register* and the *Code of State Regulations*.

Affidavit—Statement affirming cost of proposed rulemaking or accuracy of fiscal note signed by your department director, or the person to whom authority for rulemaking has been delegated.

Authority section—Paragraph following text of the rule showing section number(s) and latest revision date of *Revised Statutes of Missouri* that provides the authority for making that rule. Following this number(s) is a history of the filed and effective dates for the original rule and all of its amendments.

Copies—Exact set of copies (i.e., Xerox copies) of each page in the original. For proposed rulemakings include transmittal, cover letter, affidavit, rule text, and fiscal notes and forms, if applicable. Orders of rulemaking include transmittal with second page provided, cover letter and text of final

order (not text of proposed rule or amendment). Emergency rules include transmittal, cover letter and text of emergency rule.

Cover letter or certification letter—Letter naming the rule number and type of rule and stating the completeness and accuracy of the rule, signed by the person with rulemaking authority for your department/division. One (1) cover letter may serve for several rules, but each rule number must appear on the cover letter and a copy goes with each set for each rule. Please **highlight** the rule number on the original for each rule with which it is included.

Designated signer—Persons authorized by the director of your department to sign affidavits, fiscal notes and cover letters. An original letter signed by the director and designated signer(s) must be on file in the Administrative Rules Division.

Economic impact on small business—Executive Order 96-18 states that “No department or agency shall transmit a proposed rule to the secretary of state after December 1, 1996, unless it has determined whether such proposed rule will have a direct economic impact on small businesses of five hundred dollars (\$500) or more in the aggregate.” Small businesses are defined as independently owned and operated businesses having fifty (50) or fewer full-time employees. “The department or agency shall certify in the transmittal letter to the Secretary of State that it has been determined that such proposed rule will or will not have an economic impact on small businesses.” This provision does not apply to emergency rules, “where the rule is federally mandated, or where the rule substantially codifies existing federal or state law.”

Definitions

Effective date—The date set by statutes when a rule becomes effective. Normally, the effective date of a rule is thirty (30) days after publication in the *Code of State Regulations* (CSR). An agency may choose a later date.

Filing—Taking originals and copies of rules to Administrative Rules Division and/or copies of rules to Joint Committee on Administrative Rules.

Fiscal Note—Calculation and description of costs for proposed rulemaking when it is expected to exceed five hundred dollars (\$500). These are to be done on forms provided in the rule manual, formatted in Microsoft Word.

GPO Style Manual—The *United States Government Printing Office Style Manual 2000* is used for questions of style in the *Code of State Regulations* and *Missouri Register*. This is available on the Internet at the following address:
<http://www.access.gpo.gov/styleman/2000/browse-sm-00.html>.

Joint Committee on Administrative Rules (JCAR)—Joint membership (both Houses) committee of the legislature that consists of five (5) members of the Senate and five (5) members of the Missouri House of Representatives. The senate members of the committee are appointed by the President pro tem of the senate and the house members by the Speaker of the House. JCAR is located in Room B-8, State Capitol Building, Jefferson City, Missouri.

Julian Day Number Calendar—A calendar which has each day of the year numbered from 1 to 365 (or 366 in a leap year).

Legislative Days—For purposes of emergency rules which may be effective for up to thirty (30) legislative days the definition is in section 536.025.7, RSMo 2000—“A rule adopted under the provisions of this section shall clearly state the interval during which it will be in effect. Emergency rules shall not be in effect for a period exceeding one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. For the purposes of this section, a “legislative day” is each Monday, Tuesday, Wednesday and Thursday beginning the first Wednesday after the first Monday in January and ending the first Friday after the second Monday in May, regardless of whether the legislature meets.”

Numbers in Rules—Use the *GPO Style Manual* instructions for using numbers in legal documents. This is included in section 12.18 and it tells us to follow spelled out numbers with numerals in parentheses. Ex: ten dollars (\$10). See at <http://www.access.gpo.gov/styleman/2000/browse-sm-00.html>.

Original—The first set of your rule materials, including cover letters and affidavits signed in ink.

Packet—Set of rules to be filed, including one (1) complete set of originals, and applicable number of copies and a diskette with text of rule.

Promulgate—To make known or publicly announce the terms of (a proposed rule or law).

Public hearing—An open meeting with time and place designated for the agency to hear discussion on a proposed rulemaking. The announcement of time and place for public hearing must be published in the *Missouri Register* at the same time as the proposed rulemaking. When there is to be a hearing, it must be at least thirty (30) days after the publication date of the proposed rulemaking.

Definitions

Publisher's note—A note written by the Office of the Secretary of State providing additional information about a rule.

Purpose section—A short description of the reason for a rule. An amendment has a purpose that only describes the reason for the amendment and does not go to the permanent rulemaking.

Takings analysis—Executive Order 93-13 directs each agency doing a proposed rulemaking to do a “takings analysis” to evaluate whether the rule constitutes a taking of real property. And, further, “No department or agency shall transmit a proposed rule or regulation to the Secretary of State” until such an analysis has occurred. A takings analysis is **not** required when the rule is federally mandated, or if the rule substantially codifies existing federal or state law.

Transmittal—Cover sheet for each rule with number of rule and type of rule provided.



Rule Numbering

Question: I'm writing a rule, now how do I number it?

Answer: Ask the Administrative Rules Division of the Office of the Secretary of State and we can assist you with selecting the appropriate rule number.

The Secretary of State's Office is responsible for the numbering of all rules (section 536.023, RSMo 2000). Basically the rule number is determined by what agency you are with, the division in that agency and the subject the rule will cover. A Codification Sheet showing the major rule number divisions for state agencies is at the end of this section (see page 5.02C).

For instance, if your agency has written a new rule on wooden duck toys, it would make sense that the rule goes in your chapter that already exists on wooden toys. Now, if you had a new rule on metal toy soldiers and there was no chapter on metal toys, you would probably want a new chapter on metal toys. *The main thing to remember when trying to establish rule numbers, is where would the rule be located within your rules logically?*

Some rules about rule numbers.

A rule number can only be used once. Once a rule number has been used for a rule, the same rule number cannot be used for another rule with a different subject. For instance, you wrote a rule **15 CSR 30-995.030 Wooden Duck Toys**. Two (2) years later you rescinded this rule, as it was no longer necessary to have a rule on wooden duck toys. Now you have determined you need a rule on metal toy soldiers and so you write the new rule but you cannot give it the number **15 CSR 30-995.030 Metal Toy Soldiers**. This rule would require another rule number because it has a different subject matter than the rule that originally contained this number.

Instead you assign the new rule number **15 CSR 30-995.050 Metal Toy Soldiers**, using a rule number that has not been used before, as this is your first rule on metal toy soldiers. In an effort to further clarify, rather than complicate, let's assume you later decided you needed a rule on wooden duck toys again. You could use **15 CSR 30-995.030** for this rule since it is the same subject matter. You would, however, need to make sure that you include the history in your authority section from the original rule.

Leave room in your chapters for expansion of rules. Let's say you have a new chapter **15 CSR 30-997** and you have ten (10) new rules. If you number the rules 15 CSR 30-997.001 through 15 CSR 30-997.010 that works for now. However, next year if you should want to come back and add a new rule and want to put it between rule 15 CSR 30-997.003 and 15 CSR 30-997.004, you have no place to put it. So, in the beginning, it would be better to allow for space between your rule numbers. For example, assign rule numbers in increments of ten (10)—15 CSR 30-997.010, 15 CSR 30-997.020, etc. This way, you should have room to add rules between numbers in the future should the need to do so arise.

How to Cite Rules and RSMo

RULES

The rules are codified in the *Code of State Regulations* in this system—

Title	CSR	Division	Chapter	Rule
25		15-	5	.025
Department	<i>Code of State Regulations</i>	Agency Division Name	General subject area regulated	Specific subject area regulated

and should be cited in this manner: 25 CSR 15-5.025.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraphs 1., subparagraphs A., parts (I), subparts (a), items I. and subitems a.

The rule is properly cited by using the full citation, for example, 25 CSR 15-5.025 NOT Rule 15-5.025.

STATUTES

Citations of RSMo are to the *Missouri Revised Statutes* as of the date indicated. The citation for those sections of the statutes would be cited as section 536.010, RSMo 2000 or Chapter 536, RSMo 2000.

Codification Sheet for the Code of State Regulations

Title 1—Office of Administration

- 10 Commissioner of Administration
- 15 Administrative Hearing Commission
- 20 Personnel Advisory Board and Division of Personnel
- 30 Design and Construction
- 35 Division of Facilities Management
- 40 Purchasing and Materials Management
- 50 Missouri Ethics Commission

Title 2—Department of Agriculture

- 10 Market Development
- 15 Agricultural Experiment Station
- 20 Administrative Services
- 30 Animal Health
- 40 Audits and Compliance
- 50 Fairs
- 60 Grain Inspection and Warehousing
- 70 Plant Industries
- 80 State Milk Board
- 90 Weights and Measures
- 100 Missouri Agricultural and Small Business Development Authority
- 110 Office of the Director

Title 3—Department of Conservation

- 10 Conservation Commission

Title 4—Department of Economic Development

- 10 Missouri State Board of Accountancy
- 20 Administrative Hearing Commission
- 25 Administrative Services
- 30 Missouri Board for Architects, Professional Engineers and Professional Land Surveyors
- 40 Office of Athletics
- 50 State Banking Board
- 60 State Board of Barber Examiners
- 65 Endowed Care Cemeteries
- 70 State Board of Chiropractic Examiners
- 80 Economic Development Programs
- 85 Division of Community and Economic Development
- 90 State Board of Cosmetology

Title 4—Department of Economic Development—continued

- 95 Committee for Professional Counselors
- 100 Division of Credit Unions
- 105 Credit Union Commission
- 110 Missouri Dental Board
- 115 State Committee of Dietitians
- 120 State Board of Embalmers and Funeral Directors
- 130 State Environmental Improvement and Energy Resources Authority
- 140 Division of Finance
- 145 Missouri Board of Geologist Registration
- 150 State Board of Registration for the Healing Arts
- 155 Office of Health Care Providers
- 160 Council for Hearing Aid Dealers and Fitters
- 165 Board of Examiners for Hearing Instrument Specialists
- 170 Missouri Housing Development Commission
- 180 Missouri Commission on Human Rights
- 190 Division of Insurance
- 193 Interior Design Council
- 195 Division of Workforce Development
- 196 Landscape Architectural Council
- 197 Board of Therapeutic Massage
- 198 Motor Vehicle Commission
- 200 State Board of Nursing
- 205 Missouri Board of Occupational Therapy
- 210 State Board of Optometry
- 220 State Board of Pharmacy
- 230 State Board of Podiatric Medicine
- 231 Division of Professional Registration
- 232 Missouri State Committee of Interpreters
- 233 State Committee of Marital and Family Therapists
- 235 State Committee of Psychologists
- 240 Public Service Commission
- 245 Real Estate Appraisers
- 250 Missouri Real Estate Commission
- 255 Missouri Board for Respiratory Care
- 260 Division of Savings and Loan Supervision
- 263 State Committee for Social Workers

Codification Sheet for the Code of State Regulations

Title 4—Department of Economic Development—continued

- 265 Division of Motor Carrier and Railroad Safety
- 270 Missouri Veterinary Medical Board

Title 5—Department of Elementary and Secondary Education

- 10 Commissioner of Education
- 20 Deputy Commissioner
- 30 Division of School Services
- 40 Administration—School Services
- 50 Division of Instruction
- 60 Vocational and Adult Education
- 70 Special Education
- 80 Urban and Teacher Education
- 90 Vocational Rehabilitation
- 100 Missouri Commission for the Deaf

Title 6—Department of Higher Education

- 10 Commissioner of Higher Education
- 20 State Library
- 25 Central Missouri State University
- 250 University of Missouri

Title 7—Department of Transportation

- 10 Missouri Highways and Transportation Commission

Title 8—Department of Labor and Industrial Relations

- 5 Administration
- 10 Division of Employment Security
- 20 Labor and Industrial Relations Commission
- 30 Division of Labor Standards
- 40 State Board of Mediation
- 50 Workers' Compensation
- 60 Missouri Commission on Human Rights
- 70 Missouri Assistive Technology Advisory Council

Title 9—Department of Mental Health

- 10 Director, Department of Mental Health
- 20 Division of Alcohol and Drug Abuse
- 25 Fiscal Management
- 30 Certification Standards
- 40 Licensing Rules
- 45 Division of Mental Retardation and Developmental Disabilities

Title 9—Department of Mental Health—continued

- 50 Admission Criteria
- 60 Research
- 70 Financial Assistance
- 80 Division of Comprehensive Psychiatric Services

Title 10—Department of Natural Resources

- 1 Director's Office
- 10 Air Conservation Commission
- 20 Clean Water Commission
- 22 Dam and Reservoir Safety Council
- 23 Division of Geology and Land Survey
- 24 Hazardous Substance Emergency Response Office
- 25 Hazardous Waste Management Commission
- 30 Land Survey
- 40 Land Reclamation Commission
- 45 Metallic Minerals Waste Management
- 50 Oil and Gas Council
- 60 Public Drinking Water Program
- 70 Soil and Water Districts Commission
- 80 Solid Waste Management
- 90 State Parks
- 100 Petroleum Storage Tank Insurance Fund Board of Trustees
- 130 State Environmental Improvement and Energy Resources Authority
- 140 Division of Energy

Title 11—Department of Public Safety

- 10 Adjutant General
- 30 Office of the Director
- 40 Division of Fire Safety
- 45 Missouri Gaming Commission
- 50 Missouri State Highway Patrol
- 60 Division of Highway Safety
- 70 Division of Liquor Control
- 75 Peace Officer Standards and Training Program
- 80 Missouri State Water Patrol
- 85 Veterans' Affairs

Codification Sheet for the Code of State Regulations

Title 12—Department of Revenue

- 10 Director of Revenue
- 20 Highway Reciprocity Commission
- 30 State Tax Commission
- 40 State Lottery
- 50 Missouri Horse Racing Commission
- 60 Motor Vehicle Commission

Title 13—Department of Social Services

- 15 Division of Aging
- 20 Division of Corrections
- 30 Child Support Enforcement
- 40 Division of Family Services
- 45 Division of Legal Services
- 50 Division of Health
- 60 State Health Planning and Development
- 70 Division of Medical Services
- 73 Missouri Board of Nursing Home Administrators
- 80 State Board of Probation and Parole
- 100 Veterans' Affairs
- 110 Division of Youth Services

Title 14—Department of Corrections

- 10 Director
- 20 Division of Adult Institutions
- 80 State Board of Probation and Parole

Title 15—Elected Officials

- 10 Governor
- 20 Lieutenant Governor
- 30 Secretary of State
- 40 State Auditor
- 50 Treasurer
- 60 Attorney General

Title 16—Retirement Systems

- 10 The Public School Retirement System of Missouri
- 20 Missouri Local Government Employees' Retirement System (LAGERS)
- 30 Missouri State Employees' Retirement System

Title 16—Retirement Systems—continued

- 40 Highway and Transportation Employees and Highway Patrol Retirement System
- 50 The County Employees' Retirement Fund

Title 17—Boards of Police Commissioners

- 10 Kansas City Board of Police Commissioners
- 20 St. Louis Board of Police Commissioners

Title 18—Public Defender Commission

- 10 Office of State Public Defender

Title 19—Department of Health

- 10 Office of the Director
- 20 Division of Environmental Health and Communicable Disease Prevention
- 25 Division of Administration
- 30 Division of Health Standards and Licensure
- 40 Division of Maternal, Child and Family Health
- 50 Division of Injury Prevention, Head Injury Rehabilitation and Local Health Services
- 60 Missouri Health Facilities Review Committee
- 70 Division of Chronic Disease Prevention and Health Promotion
- 80 State Cancer Center

Title 20—Department of Insurance

- 10 General Administration
- 100 Division of Consumer Affairs
- 200 Financial Examination
- 300 Market Conduct Examinations
- 400 Life, Annuities and Health
- 500 Property and Casualty
- 600 Statistical Reporting
- 700 Licensing
- 800 General Counsel

Title 21—Missouri Family Trust

- 10 Director and Board of Trustees

Title 22—Missouri Consolidated Health Care Plan

- 10 Health Care Plan

Incorporated by Reference and Included Herein

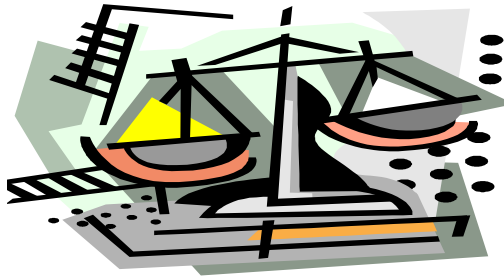
There has been confusion about the policy as to the use of the term “incorporated by reference.” The following is the policy adopted by the Administrative Rules Division, Office of Secretary of State Matt Blunt:

When we **do not** include a form or other material, or **do not** publish the form or other material, **but** it is considered a part of the rule, and is referred to in the rule, we will use the term “incorporated by reference.” Please file a copy of these reference materials when filing the rule and retain a copy on file at your agency. This will meet the requirements of sections 536.021.2(3) and 536.031.4, to make this material available at both the Office of the Secretary of State and the office of the adopting state agency.

When the form or other material **is** included, and **is** considered a part of the rule and **we do publish** the form or other material, we will state that the form or other material is “included herein.”

Finally, the text of the rule should **not** be divided by other language that is not a part of the rule. Therefore, whether we are utilizing “included herein” and publishing the forms or other material as a part of the rule, or, we are using “incorporated by reference” (not publishing the forms or other material), this is considered part of the rule and should appear **before** the authority section.

Annotations



Sometimes rules can cause controversy, which may lead to entire rules or parts of rules being challenged in court. In some instances, a court may declare that part, or all, of a rule is invalid, or, may find that part or all of the rule is valid.

When this occurs, an agency may want to add an explanation of the case to the published rule in the *Code of State Regulations*. Additionally, a note about a case involving the subject matter covered, as well as an attorney general's opinion, about a particular subject, may be added. This annotation may be added to the rule as published in the *Code of State Regulations*.

The agency should submit the annotation when they file their rulemaking with the Office of the Secretary of State. The annotations will *not* be published in the *Missouri Register*, but will be published in the *Code of State Regulations*.

The *Code of State Regulations* is not fully annotated. Only annotations submitted by the agencies or the courts to the Office of the Secretary of State are published in the *Code of State Regulations*. There may be additional court cases, opinions and other such material about particular rule subjects that are not included in the *Code of State Regulations*.

What is the Difference Between a Statute and a Rule?

Statutes are laws approved by the Missouri General Assembly and usually by the governor. They are based on constitutional authority granted to the legislature to establish policies and approved by a majority of the house and senate. The statutes, or the laws passed by the legislature, are published in the *Revised Statutes of Missouri*. Statutes may be created and amended each year by the legislature. Following each session the *Revised Statutes of Missouri* are updated and republished by the Joint Committee on Legislative Research, usually by adding a supplement with new and amended statutes.

The executive branch of state government promulgates rules. The executive branch includes elected officials—governor, lieutenant governor, secretary of state, attorney general, state treasurer and state auditor. Also included in this branch under the administration of the governor's office are all the various state agencies, such as; the Department of Transportation, Department of Elementary and Secondary Education, Department of Conservation, Department of Public Safety, etc.

These elected officials and state agencies have rulemaking authority granted both constitutionally and by legislative statutes. Once the executive entities have been granted rulemaking authority, they have the right to create rules to establish policy and procedure for carrying out their functions. Once effective, these rules have the force and effect of law.

The Dos and Don'ts of Moving Rules

Question: I have a rule that I want to move, may I move it to another place in the Code?

Answer: Maybe yes, maybe no. First, we need to find out why you want to move the rule, and where you wish to move it.

Sometimes rules must be moved because a division is transferred from one state agency to another. In these cases, rules can be moved. Sometimes divisions reorganize and this can also result in a need to move rules.

The best way to move a rule is by amending it. When you amend a rule to move it, not only can you change the rule number, but you can also amend any references inside the rule that refers to old rule numbers or statutes that might have changed as a result of reorganization. A reference to the original rule number is added to the history of the rule.

A rule may also be moved by rescinding the old rule and readopting a new rule in a different location. This situation can occur when divisions move to new state agencies and their responsibilities are increased or decreased. The old rule's history stays with the old rule. However, a notice is usually included in the new rule's authority section stating that *material covered in this rule was previously contained in (insert old rule number)*.

In certain circumstances, rules may be moved through an In Addition in the *Missouri Register*. Rules moved in this fashion can only have the rule numbers changed and cannot correct any old references within the body of the rule. Thus, this is not the preferred method for moving rules. To correct any outdated references in the rule, a proposed amendment through the normal rule-making process must be completed. A reference to the original rule number is added to the history of the rule.

Time Line for Publishing Administrative Rules

The publication schedule for the *Register* and the *Code* is published near the bottom of the contents page of the *Missouri Register* and on the Internet at <http://www.sos.mo.gov/adrules/moreg/pubsched.asp>. This shows when a particular filing will be published and, when a final order becomes effective after publication.

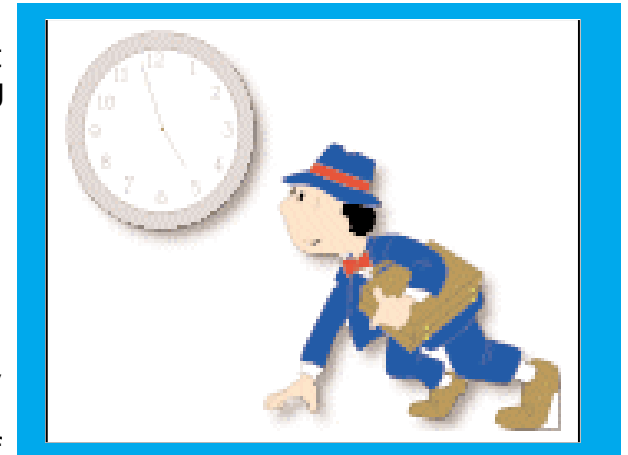
A proposed rule, proposed amendment, or proposed rescission must have one (1) copy filed with the Joint Committee on Administrative Rules in Room B-8, Capitol Building, Jefferson City, Missouri **on the same day** as it is filed with the Office of the Secretary of State, Administrative Rules Division, in Room 337, James C. Kirkpatrick State Information Center, 600 West Main, Jefferson City, Missouri.

A proposed rule, proposed amendment, or proposed rescission must have at least a thirty (30)-day comment period following the publication date. Likewise, if the rule is to have a public hearing, it must be scheduled at least thirty (30) days after the publication date of the proposed rule or amendment.

Once this thirty (30)-day comment period or hearing date has passed, then you have ninety (90) days to act on the proposed rule by filing a final order. The final order may either adopt the proposed rulemaking or withdraw it. In the case of adoption, a copy of the final order must be filed with the Joint Committee on Administrative Rules in Room B-8, of the Capitol Building, Jefferson City, Missouri **thirty (30) days before filing** with the Administrative Rules Division, Office of the Secretary of State, Room 337, James C. Kirkpatrick State Information Center, 600 West Main St., Jefferson City, Missouri. This order is first published in the *Missouri Register*, then in the *Code of State Regulations*. It may become effective thirty (30) days after publication in the *Code of State Regulations*. Withdrawals are filed concurrently with the Joint Committee on Administrative Rules and the Office of the Secretary of State, Administrative Rules Division.

Example: A proposed rule is filed with the Joint Committee on Administrative Rules and the Office of the Secretary of State, Administrative Rules Division, on May 1. This rule is published in the June 1 issue of the *Missouri Register*. The thirty (30) days for receiving comments following June 1 ends on July 1. A copy of the final order may be filed with the Joint Committee on Administrative Rules, Room B-8, Capitol Building, Jefferson City, Missouri on July 2. The same order is filed with the Administrative Rules Division at the Secretary of State's office on August 1, which is the first day, after the required thirty (30)-day review period for the Joint Committee on Administrative Rules. The order filed with the Administrative Rules Division is then published in the September 4 *Missouri Register*. The final form of the rule is then published in the September 30 update to the *Code of State Regulations*. The rule becomes effective thirty (30) days following publication in the *Code*, which is October 30.

The publication schedule for *Register* and *Code* is published near the bottom of the contents page of the *Missouri Register* and on the Internet at <http://www.sos.mo.gov/adrules/moreg/pubsched.asp>.

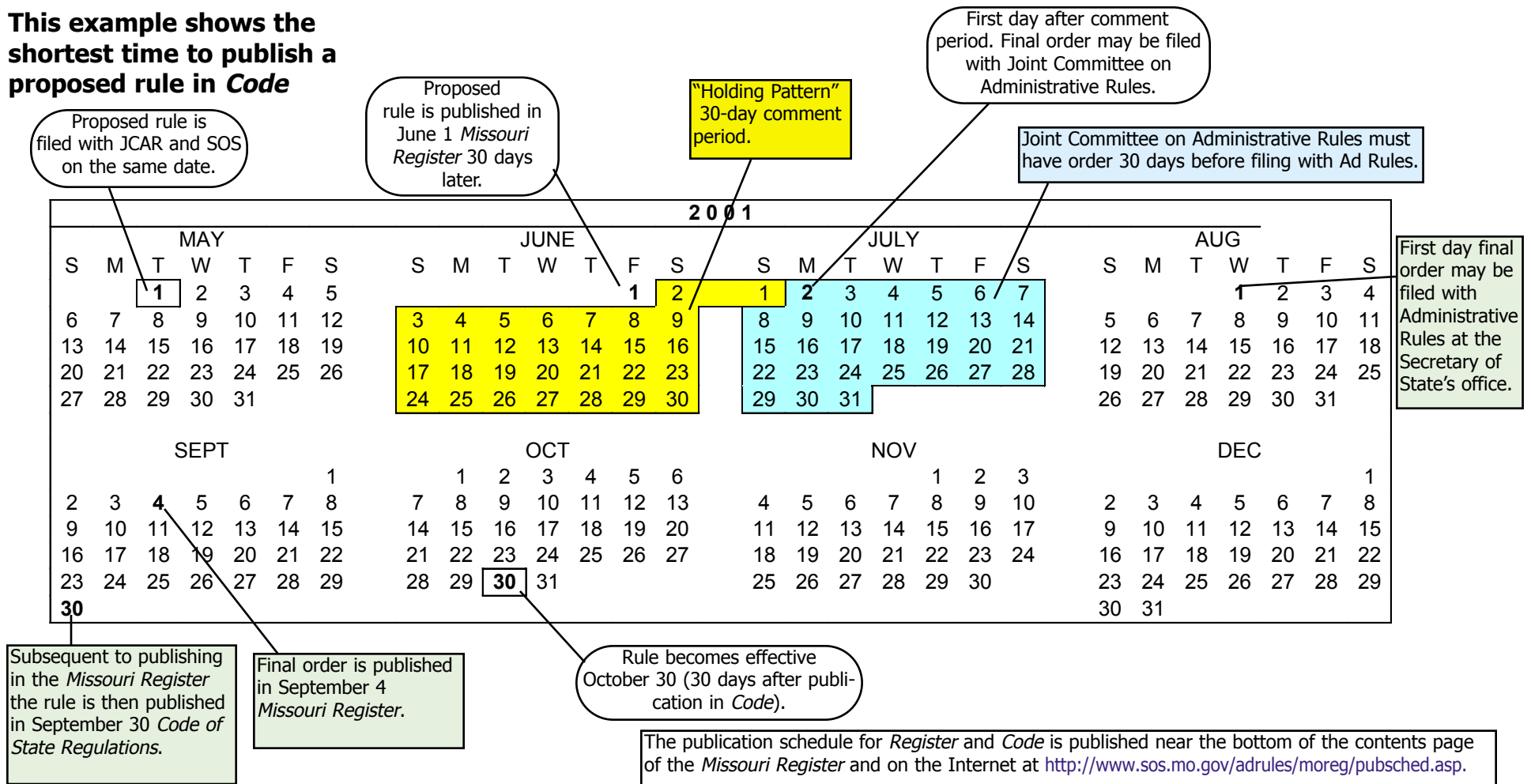


Time Line for Publishing Administrative Rules

Calendar

How your rule goes from proposed rule in *Register* to final rule in *Code of State Regulations*

This example shows the shortest time to publish a proposed rule in *Code*



Time Line for Publishing Administrative Rules

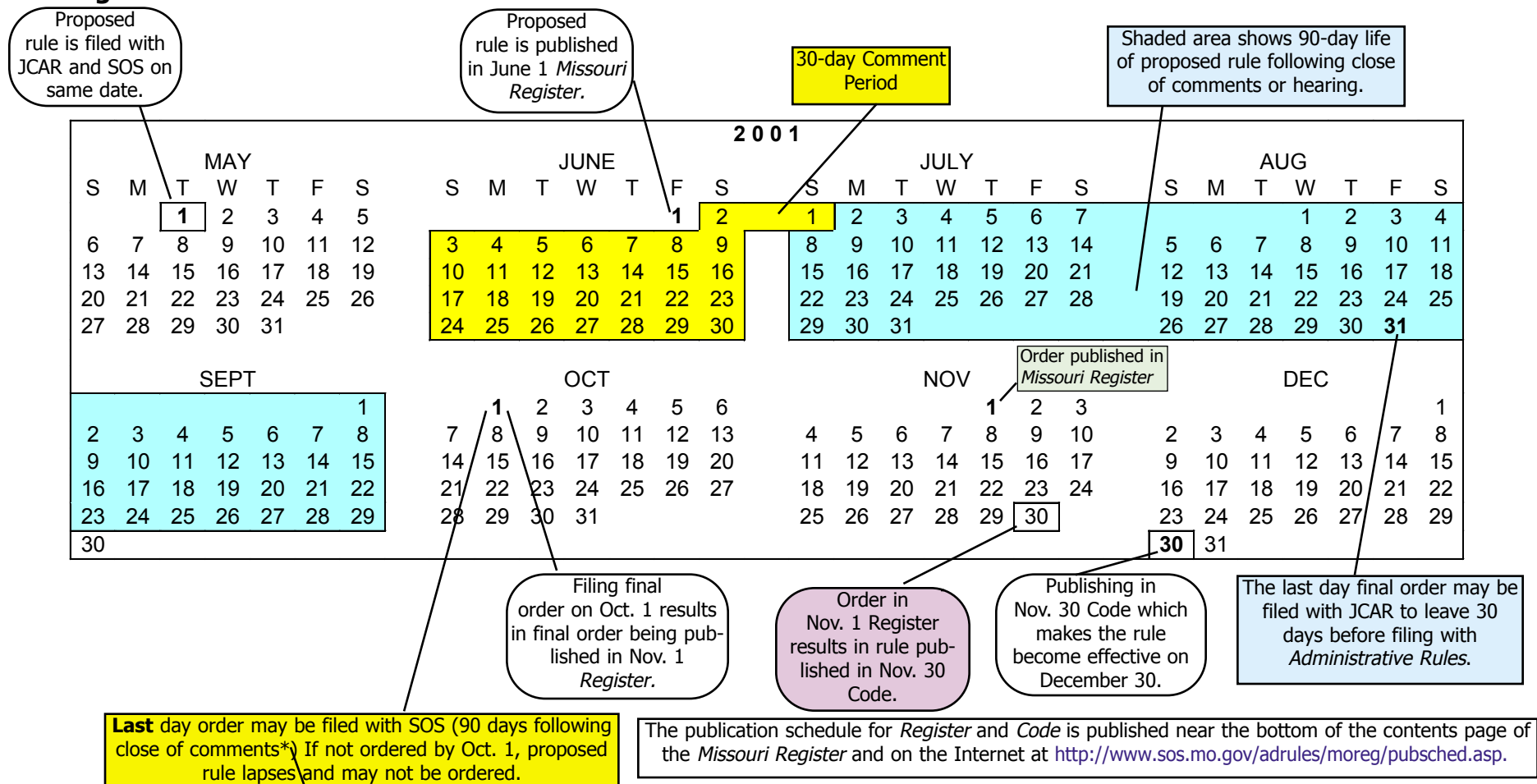
The previous example shows approximately the shortest time it takes from the original filing until a rule becomes effective, or, about six (6) months. It can take up to seven (7) or eight (8) months if the entire ninety (90) days in the life of the proposed rule is utilized. If the deadlines in the *Missouri Register* schedule are not followed, extra time is added between filing and publishing. In our example, if the proposed rule had been filed on May 2 instead of May 1, it would have moved the publication date in the *Missouri Register* to June 15. If the final order had been filed with the Administrative Rules Division on August 16, the order would have been published in the October 1 *Missouri Register* and then published in the October 31 update of the *Code of State Regulations*, giving an effective date of November 30.

Hint: Use a Julian day number calendar to calculate the various thirty (30)- or ninety (90)-day periods. Just add thirty (30) or ninety (90) to the number of the day before the period starts, the sum will equal the ending date of the period.

Time Line for Publishing Administrative Rules

Calendar

This example shows the longest time that can be taken to get the same rule in *Code*



Time Line for Emergency Rules

An emergency rule is filed with the Joint Committee on Administrative Rules and the Administrative Rules Division of the Secretary of State on the same day. It may become effective as early as ten (10) days after filing, or any time after that as indicated in the rule.

When the emergency rule becomes effective, it may remain effective for one hundred eighty (180) days or thirty (30) legislative days. If you choose one hundred eighty (180) days, use a Julian day number calendar with numbers for the days of the year, and add one hundred seventy-nine (179) to the day it becomes effective to calculate the expiration date. We use one hundred seventy-nine (179) because we also count the first day it is effective plus one hundred seventy-nine (+179) more. You may wish to use the thirty (30)-day calendars on the next two (2) pages to help calculate dates. Each row is thirty (30) days, so just pick out your start date, count down six (6) rows, move left one (1) space and you have the 180th day following start date ($6 \times 30 = 180$). If you wish it to expire sooner, you may elect to choose an earlier date.

There is also a provision to allow a rule to be effective for up to thirty (30) **legislative days**, if that is a longer period of time than the one hundred eighty (180) days. This would apply from approximately the end of March until the first of August. **See** section 536.025, RSMo 2000, in the Appendix to this manual for the explanation of how to count legislative days.

NOTE: when the thirty (30) legislative-day option is selected, the rule may remain effective until sometime in either January or February, depending on whether or not the effective date includes any legislative days in April or May of the previous legislative session. We have also included a calendar showing legislative days at the end of this section.

2001–2002 (This page does not show legislative days.)

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
31	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	1
2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
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2003–2004 (This page does not show legislative days.)

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Legislative Days (in blue), as Defined by 536.025, RSMo

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